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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 CHARLES HOPPER,

12 Plaintiff,

13 v.

14 PAUL PASTOR,

15 Defendant.

Case No. C08-5696FDB

ORDER TO SHOW CAUSE

16 This matter comes before the court on plaintiff's filing of an application to proceed *in forma*
17 *pauperis* and the submission of a complaint for service. The Court, having reviewed the record finds the
18 following deficiencies:

19 1. Plaintiff's complaint is deficient. Plaintiff names Paul Pastor, Sherif of Pierce County Jail as
20 the defendant in his Complaint. Plaintiff alleges he was bitten during an arrest and asks for an award
21 of damages. The court notes that the complaint is deficient for the following reasons.

22 (a) Plaintiff has failed to describe how defendant was involved in the alleged deprivation or his
23 constitutional or federal civil rights. In order to state a claim under 42 U.S.C. § 1983, a complaint must
24 allege facts showing how individually named defendants caused or personally participated in causing the
25 harm alleged in the complaint. Arnold v. IBM, 637 F.2d 1350, 1355 (9th Cir. 1981).

26 (b) In addition, plaintiff names the Sheriff of Pierce County as the defendant. Plaintiff shall also
27 note that a defendant cannot be held liable under 42 U.S.C. § 1983 solely on the basis of supervisory
28 responsibility or position. Monell v. New York City Dept. of Social Services, 436 U.S. 658, 694 n.58

1 (1978). A theory of *respondeat superior* is not sufficient to state a § 1983 claim. Padway v. Palches, 665
2 F.2d 965 (9th Cir. 1982).

3 Accordingly, this court orders the following:

4 (i) Plaintiff shall seek to cure these deficiencies by filing **an amended complaint by no later**
5 **than January 30, 2009**. If plaintiff fails to cure these deficiencies this court will recommend dismissal of
6 this matter as frivolous.

7 (ii) The Clerk is directed to send copies of this Order and the General Order to plaintiff.

8 DATED this 5th day of January, 2009.

9
10 /s/ J. Kelley Arnold

11 J. Kelley Arnold

12 United States Magistrate Judge
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